

REMARKS/ARGUMENTS

Claims 5 through 7 and 19 through 21, 25 through 27, and 31 through 33 remain in this application, in which claims 5, 19, 25, and 31 are independent. Claims 1 through 4, 15 through 18, 22 through 24, 28 through 30, and 34 through 37 have been canceled without prejudice or disclaimer. In addition, claims 5, 19, 25, and 31 have been amended.

Claims 19, 25, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. US 2004/0259598 A1 to Wagner, et al. ("Wagner, et al. publication") in view of U.S. Patent No. US 6,742,033 B1 to Smith, et al. ("Smith, et al. patent"). Claims 6, 20, 26, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication in view of the Smith, et al. patent and U.S. Patent Application Publication No. US 2002/0157092 A1 to Kitsukawa, et al. ("Kitsukawa, et al. publication"). Claims 7, 21, 27, and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. publication in view of the Smith, et al. patent, Kitsukawa, et al. publication and U.S. Patent Application Publication No. US 2002/0059628 A1 to Mori, et al. ("Mori, et al. publication").

Claims 5 and 25 as amended provide, *inter alia*, minimizing quantity of connections for communicating event content to a remote device during one or more future time periods corresponding a time period of call communication. Claims 19 and 31 as amended provide, *inter alia*, a processor configured to minimize quantity of connections for communicating an event content to a remote device during one or more future time periods corresponding to a time period

of call communication. Support for the above added recitation is illustrated by block 1408 of FIG. 14 and provided at page 37, lines 11 through 15, of the specification.

The above Office Action states, at page 5 in regard to claims 5, 19, 25 and 31, that the Wagner, et al. publication is silent on minimizing communication of even content to a remote device during at least one future time period corresponding to a time period of call communication. However, the Office Action asserts that the Smith, et al. patent teaches this aspect of claims 5, 19, 25, and 31 at col. 6, lines 28 through 32.

It is important to note that, as stated at page 35, lines 8 through 10, of the specification, that the device is capable of limiting its fetching operations to relevant and useful information at times where there is high probability of the information being consumed. For this reason, the *quantity of connections* for communicating event content to a remote device is minimized. For example, as illustrated by block 1408 of FIG. 14 and provided at page 37, lines 11 through 15, of the specification, the connection occurs only once during the specified time period due to the time period of call communication. The system and device of claims 5, 19, 25, and 31 do not avoid time periods of high call volume (as disclosed by the Smith, et al. patent); instead the system and device connect to remote devices less often, i.e., minimize quantity of connections.

A user is less likely to consume event content during periods of call communication. For example, when a user holds a device adjacent to his or her ear during a call, the user is not likely to view the event content on the display of the device. On the other hand, it is possible for the user to consume the event content, because the user may pull the device away from his or ear every once-in-a-while or use a headset to keep the device away from the ear. Thus, the system

and device of claims 5, 19, 25 and 31 minimizes the quantity of connections during time period(s) corresponding a time period of call communication based on the lesser probability of the information being consumed.

In contrast, the Smith, et al. patent is concerned with avoiding interference and/or conflict between internet and call usage (col. 4, lines 38 through 42; and col. 6, lines 32 and 33), not with probability of event content consumption. In particular, the Smith, et al. patent determines the risk that a potential download would interfere with telephone usage and, in response, adjusts communication times to avoid any conflict. The Smith, et al. patent does not describe or suggest minimizing quantity of connections for communicating event content to a remote device during one or more future time periods corresponding a time period of call communication, as required by claims 5, 19, 25, and 31. Likewise, the Kitsukawa, et al. publication and the Mori, et al. publication do not describe or suggest the same. Therefore, independent claims 5, 19, 25, and 31 distinguish patentably from the Wagner, et al. publication, the Smith, et al. patent, the Kitsukawa, et al. publication, the Mori, et al. publication, and any combination of these references.

Claims 6, 7, 20, 21, 26, 27, 32 and 33 depend from and include all limitations of independent claims 5, 19, 25, and 31, as amended. Therefore, claims 6, 7, 20, 21, 26, 27, 32 and 33 distinguish patentably from the Wagner, et al. publication, the Smith, et al. patent, the Kitsukawa, et al. publication, the Mori, et al. publication, and any combination of these references for the reasons stated above for claims 5, 19, 25, and 31.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 5 through 7 and 19 through 21, 25 through 27, and 31 through 33 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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